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OUR REF.: 9015
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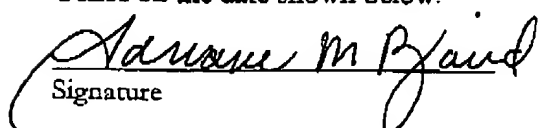
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Title of Document Transmitted:	TRANSMITTAL DOCUMENTS, BRIEF OF APPELLANTS AND AUTHORIZATION TO CHARGE THE DEPOSIT ACCOUNT IN THE AMOUNT OF \$500 (APPEAL BRIEF FEE)
Applicant:	George R. Hood
Serial No.:	09/608,681
Filed:	June 29, 2000
Group Art Unit:	3627
Title:	OTHER REVENUE IMPLEMENTATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM
Our Ref. No.:	9015

Please charge all fees to Deposit Account No. 14-0225 of NCR Corporation, the assignee of the present application.

By: Name: George H. Gates
Reg. No.: 33,500

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G&C 30145.391-US-01

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
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Applicant: George R. Hood
Serial No.: 09/608,681
Filed: June 29, 2000
Title: OTHER REVENUE IMPLEMENTATION FOR FINANCIAL PROCESSING IN A
RELATIONAL DATABASE MANAGEMENT SYSTEM

Examiner: Andrew J. Rudy
Group Art Unit: 3627
Docket: 9015

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

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By: [Signature]
Name: George H. Gates

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing or Transmission under 37 CFR 1.8.
- ☒ Brief of Appellant(s).
- ☒ Charge the Fee for the Brief of Appellant(s) in the amount of \$500.00 to the Deposit Account.

Please consider this a **PETITION FOR EXTENSION OF TIME** for a sufficient number of months to enter these papers, if appropriate.

Please charge all fees to Deposit Account No. 14-0225 of NCR Corporation (the assignee of the present application). A duplicate of this paper is enclosed.

GATES & COOPER LLP

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, CA 90045
(310) 641-8797

By: [Signature]
Name: George H. Gates
Reg. No.: 33,500
GHG/amb

Due Date: May 23, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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MAY 23 2005

In re Application of:)

Inventor: George R. Hood)

Examiner: Andrew J. Rudy

Serial #: 09/608,681)

Group Art Unit: 3627

Filed: June 29, 2000)

Appeal No.: _____

Title: OTHER REVENUE IMPLEMENTATION)
FOR FINANCIAL PROCESSING IN A)
RELATIONAL DATABASE)
MANAGEMENT SYSTEM)

BRIEF OF APPELLANT

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR §41.37, Appellant's attorney hereby submits the Brief of Appellant on appeal from the final rejection in the above-identified application as set forth in the Office Action dated November 23, 2004.

Please charge the amount of \$500.00 to cover the required fee for filing this Brief as set forth under 37 CFR §41.20(b)(2) to Deposit Account No. 14-0225 of NCR Corporation, the assignee of the present application. Also, please charge any additional fees or credit any overpayments to Deposit Account No. 14-0225.

I. REAL PARTY IN INTEREST

The real party in interest is NCR Corporation, the assignee of the present application.

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II. RELATED APPEALS AND INTERFERENCES

There are related appeals in the following co-pending and commonly-assigned patent applications:

Application Serial No. 09/608,355, filed on June 29, 2000, by George R. Hood et al., entitled ADVANCED AND BREAKTHROUGH NET INTEREST REVENUE IMPLEMENTATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9006 (30145.401US01);

Application Serial No. 09/943,059, filed on August 30, 2001, by Paul H. Phibbs, Jr., entitled ALLOCATED BALANCES IN A NET INTEREST REVENUE IMPLEMENTATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9512 (30145.405USU1);

Application Serial No. 09/608,682, filed on June 29, 2000, by George R. Hood, entitled RISK PROVISION IMPLEMENTATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9015 (30145.392US01); and

Application Serial No. 09/610,646, filed on June 29, 2000, by George R. Hood et al., entitled BASIC AND INTERMEDIATE NET INTEREST REVENUE IMPLEMENTATIONS FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 8980 (30145.397US01).

III. STATUS OF CLAIMS

Claims 1-27 are pending in the application.

Claims 1-27 were rejected under 35 U.S.C. §103(a) as being unpatentable in view of "College Accounting, Seventh Edition," to Price.

Claims 1-27 are being appealed.

IV. STATUS OF AMENDMENTS

No amendments have been made subsequent to the final Office Action.

V. SUMMARY OF THE INVENTION

Appellant's independent claims 1, 10 and 19 are generally directed to an invention that performs financial processing in a computer.

Independent claim 1 recites a method of performing financial processing in a computer. The method includes accessing account, event and organization attributes from a database accessible by the computer, wherein: (1) the account attributes comprise data about accounts being measured, (2) the event attributes comprise data about account-related transactions, and (3) the organization attributes comprise data about the organization's financial status. The method also includes performing one or more profitability calculations in the computer using the account, event and organization attributes accessed from the database, as well as one or more profit factors and one or more rules, wherein the profitability calculations include:

$$\begin{aligned}\text{Profit} &= \text{Net Interest Revenue (NIR)} \\ &+ \text{Other Revenue (OR)} \\ &- \text{Direct Expense (DE)} \\ &- \text{Indirect Expense (IE)} \\ &- \text{Risk Provision (RP)}.\end{aligned}$$

The Other Revenue comprises: (1) revenue that is associated with an account, (2) revenue that is associated with a person, and (3) revenue that is not specifically associated with an account or person.

Independent claim 10 recites a system for financial processing. The system includes a computer and logic performed by the computer. The logic includes accessing account, event and organization attributes from a database accessible by the computer, wherein: (1) the account attributes comprise data about accounts being measured, (2) the event attributes comprise data about account-related transactions, and (3) the organization attributes comprise data about the organization's financial status. The logic also includes performing one or more profitability calculations in the computer using the account, event and organization attributes accessed from the database, as well as one or more profit factors and one or more rules, wherein the profitability calculations include:

$$\text{Profit} = \text{Net Interest Revenue (NIR)}$$

- + Other Revenue (OR)
- Direct Expense (DE)
- Indirect Expense (IE)
- Risk Provision (RP).

The Other Revenue comprises: (1) revenue that can be associated with an account, (2) revenue that can be associated with a person, and (3) revenue that is not specifically associated with an account or person.

Independent claim 19 recites an article of manufacture embodying logic for performing financial processing in a computer. The logic includes accessing account, event and organization attributes from a database accessible by the computer, wherein: (1) the account attributes comprise data about accounts being measured, (2) the event attributes comprise data about account-related transactions, and (3) the organization attributes comprise data about the organization's financial status. The logic also includes performing one or more profitability calculations in the computer using the account, event and organization attributes accessed from the database, as well as one or more profit factors and one or more rules, wherein the profitability calculations include:

- Profit = Net Interest Revenue (NIR)
- + Other Revenue (OR)
- Direct Expense (DE)
- Indirect Expense (IE)
- Risk Provision (RP).

The Other Revenue comprises: (1) revenue that can be associated with an account, (2) revenue that can be associated with a person, and (3) revenue that is not specifically associated with an account or person.

With regard to the claims, Appellant's attorney requests that the Board refer to the specification generally. Specific portions of the specification that directly relate to the claims on appeal include:

- (a) at page 4, line 13 through page 6, line 16;

- (b) at page 8, line 18 through page 14, line 8, and in FIG. 2 as reference numbers 200-214;
- (c) at page 15, line 1 through page 21, line 10; and
- (d) at page 22, line 17 through page 23, line 16, and in FIG. 3 as reference number 314.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 1-27 are obvious under 35 U.S.C. §103(a) in view of "College Accounting, Seventh Edition," to Price.

VII. ARGUMENTS

A. The Office Action Rejections

In paragraph (3) of the Office Action, claims 1-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Price et al., "College Accounting, Seventh Edition," (Price).

Appellant's attorney respectfully traverses these rejections.

B. Appellant's Independent Claims

As noted above, Appellant's independent claims 1, 10, and 19 are generally directed to an invention that performs financial processing in a computer. Claim 1 is representative and comprises the steps of:

(a) accessing account, event and organization attributes from a database accessible by the computer, wherein: (1) the account attributes comprise data about accounts being measured, (2) the event attributes comprise data about account-related transactions, and (3) the organization attributes comprise data about the organization's financial status;

(b) performing one or more profitability calculations in the computer using the account, event and organization attributes accessed from the database, as well as one or more profit factors and one or more rules, wherein the profitability calculations include:

$$\begin{array}{rcl} \text{Profit} & = & \text{Net Interest Revenue (NIR)} \\ & + & \text{Other Revenue (OR)} \\ & - & \text{Direct Expense (DE)} \end{array}$$

- Indirect Expense (IE)
- Risk Provision (RP)

(c) wherein the Other Revenue comprises: (1) revenue that is associated with an account, (2) revenue that is associated with a person, and (3) revenue that is not specifically associated with an account or person.

C. The Price Reference

Price is a college accounting textbook that describes accounting concepts and principles. The portions cited describe analyzing business transactions including the accounting cycle, accounting for assets and liabilities including accounts receivable and uncollectible accounts, and responsibility and cost accounting including departmentalized profit and cost centers.

D. Arguments Directed To The First Grounds for Rejection: Whether Claims 1-27 Are Obvious Under 35 U.S.C. §103(a) In View of Price.

1. Claims 1, 10 and 19

Appellant's attorney respectfully submits that Appellant's claimed invention is patentable over the Price reference. Specifically, Appellant's attorney asserts that the reference does not teach or suggest the specific combination of elements recited in Appellant's claims.

However, the Office Action asserts the following:

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price et al. "College Accounting, Seventh Edition" (hereafter "Price")

Price discloses, e.g. pgs 28-41, 529, 531, 966-982 (Fig. 27-5), a method measuring profit based on the factors of net interest revenue, other revenues (Fig. 27-5, line 4, "Operating Revenues"), direct expenses (Fig. 27-5, line 22, "Direct Expenses"), indirect expenses (Fig. 27-5, line 30, "Indirect Expenses"), and risk (Fig. 27-5, line 6, "Less Sales Returns and Allowances"), all set up to take advantage of flexible business rules.

Official Notice is taken that performing financial processing using computer software is common knowledge in the art.

To have provided a method of performing financial processing for an account using software for a computer measuring profit based on the factors of net interest revenue, other revenues, direct expenses, indirect expenses and risk, all set up to take advantage of flexible business rules the business rules to

calculate known variations of one of the factors, e.g. other revenue, would have been obvious to one of ordinary skill in the art. Doing such would incorporate common knowledge data along with common knowledge software.

Appellant's August 13, 2004 and January 29, 2004 REMARKS have been reviewed, but are not convincing. In short, Appellant's profitability calculations are common knowledge variance for defining total income less total expenses. The account, event and organization attributes, e.g., flexible business rules, claimed have been common knowledge criteria used within the business community for a period of time far exceeding Appellant's filing date. To have incorporated such common knowledge in the profitability calculations for Price, as modified by Official Notice, would have been obvious to one of ordinary skill in the art.

Appellant's attorney disagrees with this analysis.

Price does not teach or suggest the claimed elements of accessing account, event and organization attributes from a database accessible by the computer, wherein: (1) the account attributes comprise data about accounts being measured, (2) the event attributes comprise data about account-related transactions, and (3) the organization attributes comprise data about the organization's financial status, and performing one or more profitability calculations in the computer using the account, event and organization attributes accessed from the database, as well as one or more profit factors and one or more rules, wherein the profitability calculations include:

Profit	=	Net Interest Revenue (NIR)
	+	Other Revenue (OR)
	-	Direct Expense (DE)
	-	Indirect Expense (IE)
	-	Risk Provision (RP)

More specifically, Price does not teach or suggest the claimed profitability calculations wherein the Other Revenue comprises: (1) revenue that is associated with an account, (2) revenue that is associated with a person, and (3) revenue that is not specifically associated with an account or person. Instead, the "Other Revenue" cited in FIG. 27-5 of Price merely comprises "Operating Revenue," although FIG. 27-5 also includes "Other Income" and "Miscellaneous Income." Consequently, the rejections fail to persuade.

Appellant's claimed invention provides operational advantages over the system disclosed in Price. Price reflects an outdated approach to income statements. Appellant's invention, on the other hand, describes a different, more sophisticated model for implementing profitability calculations in a computer system, as well as a different, more sophisticated set of relationships between the elements of the model. Price fails to teach or suggest the specific model, all of the elements of the model, or the relationships between the various elements.

Thus, Appellant's attorney submits that independent claims 1, 10 and 19 are allowable over Price. Further, dependent claims 2-9, 11-18 and 20-27 are submitted to be allowable over Price in the same manner, because they are dependent on independent claims 1, 10 and 19, respectively, and because they contain all the limitations of the independent claims. In addition, dependent claims 2-9, 11-18 and 20-27 recite additional novel elements not shown by Price.

2. Claims 2, 11 and 20

Claims 2, 11 and 20 recite that the profit factors include parameter values necessary to perform the profitability calculations. The Office Action rejects these claims only generally, i.e., on the same basis as the independent claims, without citing any specific location within the reference as teaching these limitations. Appellant's attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of these claims.

3. Claims 3, 12 and 21

Claims 3, 12 and 21 recite that the rules direct operations of the profitability calculations. The Office Action rejects these claims only generally, i.e., on the same basis as the independent claims, without citing any specific location within the reference as teaching these limitations. Appellant's attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of these claims.

4. Claims 4, 13 and 22

Claims 4, 13 and 22 recite that the Other Revenue is selected from one or more sources selected from a group comprising: Actual Other Revenue, Expected Other Revenue, and Other

Revenue Foregone. The Office Action rejects these claims only generally, i.e., on the same basis as the independent claims, without citing any specific location within the reference as teaching these limitations. Appellant's attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of these claims.

5. Claims 5, 14 and 23

Claims 5, 14 and 23 recite that the Actual Other Revenue is selected from one or more sources selected from a group comprising: One-time Fees and Recurring Fees. The Office Action rejects these claims only generally, i.e., on the same basis as the independent claims, without citing any specific location within the reference as teaching these limitations. Appellant's attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of these claims.

6. Claims 6, 15 and 24

Claims 6, 15 and 24 recite that the Expected Other Revenue is revenue expected to be received. The Office Action rejects these claims only generally, i.e., on the same basis as the independent claims, without citing any specific location within the reference as teaching these limitations. Appellant's attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of these claims.

7. Claims 7, 16 and 25

Claims 7, 16 and 25 recite that the Other Revenue Foregone is revenue foregone on each account. The Office Action rejects these claims only generally, i.e., on the same basis as the independent claims, without citing any specific location within the reference as teaching these limitations. Appellant's attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of these claims.

8. Claims 8, 17 and 26

Claims 8, 17 and 26 recite that the Other Revenue Foregone is the difference between the Expected Other Revenue and the Actual Other Revenue. The Office Action rejects these claims only generally, i.e., on the same basis as the independent claims, without citing any specific location within the reference as teaching these limitations. Appellant's attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of these claims.

9. Claims 9, 18 and 27

Claims 9, 18 and 27 recite the Other Revenue is partitioned and apportioned to one or more accounts associated with each partition using one or more specified allocation methods selected from a group comprising: balance method, count method, transaction count method, or transaction amount method. The Office Action rejects these claims only generally, i.e., on the same basis as the independent claims, without citing any specific location within the reference as teaching these limitations. Appellant's attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of these claims.

VIII. CONCLUSION

In light of the above arguments, Appellant's attorney respectfully submits that the cited references do not anticipate nor render obvious the claimed invention. More specifically, Appellant's claims recite novel physical features which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103.

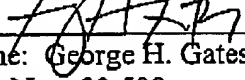
As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

Respectfully submitted,

GATES & COOPER LLP
Attorneys for Appellant

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797,

Date: May 23, 2005

By: 
Name: George H. Gates
Reg. No.: 33,500

GHG/amb

APPENDIX

1. A method of performing financial processing in a computer, comprising:

(a) accessing account, event and organization attributes from a database accessible by the computer, wherein: (1) the account attributes comprise data about accounts being measured, (2) the event attributes comprise data about account-related transactions, and (3) the organization attributes comprise data about the organization's financial status;

(b) performing one or more profitability calculations in the computer using the account, event and organization attributes accessed from the database, as well as one or more profit factors and one or more rules, wherein the profitability calculations include:

$$\begin{aligned}\text{Profit} &= \text{Net Interest Revenue (NIR)} \\ &+ \text{Other Revenue (OR)} \\ &- \text{Direct Expense (DE)} \\ &- \text{Indirect Expense (IE)} \\ &- \text{Risk Provision (RP)}\end{aligned}$$

(c) wherein the Other Revenue comprises: (1) revenue that is associated with an account, (2) revenue that is associated with a person, and (3) revenue that is not specifically associated with an account or person.

2. The method of claim 1, wherein the profit factors include parameter values necessary to perform the profitability calculations.

3. The method of claim 1, wherein the rules direct operations of the profitability calculations.

4. The method of claim 1, wherein the Other Revenue is selected from one or more sources selected from a group comprising: Actual Other Revenue, Expected Other Revenue, and Other Revenue Foregone.

5. The method of claim 4, wherein the Actual Other Revenue is selected from one or more sources selected from a group comprising: One-time Fees and Recurring Fees.

6. The method of claim 4, wherein the Expected Other Revenue is revenue expected to be received.

7. The method of claim 4, wherein the Other Revenue Foregone is revenue foregone on each account.

8. The method of claim 4, wherein the Other Revenue Foregone is the difference between the Expected Other Revenue and the Actual Other Revenue.

9. The method of claim 1, wherein the Other Revenue is partitioned and apportioned to one or more accounts associated with each partition using one or more specified allocation methods selected from a group comprising: balance method, count method, transaction count method, or transaction amount method.

10. A system for financial processing, comprising:
a computer;
logic, performed by the computer, for:

(a) accessing account, event and organization attributes from a database accessible by the computer, wherein: (1) the account attributes comprise data about accounts being measured, (2) the event attributes comprise data about account-related transactions, and (3) the organization attributes comprise data about the organization's financial status;

(b) performing one or more profitability calculations in the computer using the account, event and organization attributes accessed from the database, as well as one or more profit factors and one or more rules, wherein the profitability calculations include:

$$\begin{aligned} \text{Profit} &= \text{Net Interest Revenue (NIR)} \\ &+ \text{Other Revenue (OR)} \\ &- \text{Direct Expense (DE)} \\ &- \text{Indirect Expense (IE)} \\ &- \text{Risk Provision (RP)} \end{aligned}$$

(c) wherein Other Revenue comprises: (1) revenue that can be associated with an account, (2) revenue that can be associated with a person, and (3) revenue that is not specifically associated with an account or person.

11. The system of claim 10, wherein the profit factors include parameter values necessary to perform the profitability calculations.

12. The system of claim 10, wherein the rules direct operations of the profitability calculations.

13. The system of claim 10, wherein the Other Revenue is selected from one or more sources selected from a group comprising: Actual Other Revenue, Expected Other Revenue, and Other Revenue Foregone.

14. The system of claim 13, wherein the Actual Other Revenue is selected from one or more sources selected from a group comprising: One-time Fees and Recurring Fees.

15. The system of claim 13, wherein the Expected Other Revenue is revenue expected to be received.

16. The system of claim 13, wherein the Other Revenue Foregone is revenue foregone on each account.

17. The system of claim 13, wherein the Other Revenue Foregone is the difference between the Expected Other Revenue and the Actual Other Revenue.

18. The system of claim 10, wherein the Other Revenue is partitioned and apportioned to one or more accounts associated with each partition using one or more specified allocation methods selected from a group comprising: balance method, count method, transaction count method, or transaction amount method.

19. An article of manufacture embodying logic for performing financial processing in a computer, comprising:

(a) accessing account, event and organization attributes from a database accessible by the computer, wherein: (1) the account attributes comprise data about accounts being measured, (2) the event attributes comprise data about account-related transactions, and (3) the organization attributes comprise data about the organization's financial status;

(b) performing one or more profitability calculations in the computer using the account, event and organization attributes accessed from the database, as well as one or more profit factors and one or more rules, wherein the profitability calculations include:

$$\begin{aligned}\text{Profit} &= \text{Net Interest Revenue (NIR)} \\ &+ \text{Other Revenue (OR)} \\ &- \text{Direct Expense (DE)} \\ &- \text{Indirect Expense (IE)} \\ &- \text{Risk Provision (RP)}\end{aligned}$$

(c) wherein Other Revenue comprises: (1) revenue that can be associated with an account, (2) revenue that can be associated with a person, and (3) revenue that is not specifically associated with an account or person.

20. The article of manufacture of claim 19, wherein the profit factors include parameter values necessary to perform the profitability calculations.

21. The article of manufacture of claim 19, wherein the rules direct operations of the profitability calculations.

22. The article of manufacture of claim 19, wherein the Other Revenue is selected from one or more sources selected from a group comprising: Actual Other Revenue, Expected Other Revenue, and Other Revenue Foregone.

23. The article of manufacture of claim 22, wherein the Actual Other Revenue is selected from one or more sources selected from a group comprising: One-time Fees and Recurring Fees.

24. The article of manufacture of claim 22, wherein the Expected Other Revenue is revenue expected to be received.

25. The article of manufacture of claim 22, wherein the Other Revenue Foregone is revenue foregone on each account.

26. The article of manufacture of claim 22, wherein the Other Revenue Foregone is the difference between the Expected Other Revenue and the Actual Other Revenue.

27. The article of manufacture of claim 19, wherein the Other Revenue is partitioned and apportioned to one or more accounts associated with each partition using one or more specified allocation methods selected from a group comprising: balance method, count method, transaction count method, or transaction amount method.